

*APPROVED MINUTES* of the Regular  
Meeting of the City Council of the City of Rye  
held in City Hall on June 8, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
RICHARD MECCA  
TERRENCE McCARTNEY  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT: None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:35 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Recognition of the Rye City School District Boys Golf Team Section Championship.

Mayor Sack congratulated the Rye High School Boys Golf Team. He announced the name of each member of the team for their excellent work this season which brought them to win the championship.

Mr. Romano, Coach of the Rye Boys Golf Team, made a statement. He said that with 18 members on the team, they had a terrific season and advanced onward, with hard work moving the team into the finals. The Apawamis Golf Club hosted the championship, in which the team made a strong come back. Mr. Romano recognized James McCue who tied for 5<sup>th</sup> in the State Championship, and who won the Section Championship two years in a row.

Councilman McCartney and Councilman Mecca presented the team with the proclamations from the Mayor, congratulating the students on their hard work and success.

4. General Announcements.

Councilwoman Killian congratulated the Rye High School Boys Rugby team who won the New York Division II State Championship. She also congratulated the Rye Crew Team for competing in the Scholastic Rowing Association of America Championship during Memorial Day weekend. Councilwoman Killian congratulated to all of the City's athletes at Rye High School.

Councilman Mecca announced the sad passing of longtime Rye Resident Kathy Coulier. Mrs. Coulier has had an impact in Rye and is survived by her family. There was a moment of silence to honor Mrs. Coulier.

Mayor Sack stated that the Council would like to create an open dialogue about drug use among young Rye Residents. On July 20, 2016 at the Rye Recreation Damiano Center, the City of Rye with the Westchester Department of Health will host a free training on how to respond to an opioid overdose using something called Narcan. In the recent past, the Rye Police Department has used Narcan successfully to prevent death in the case of an overdose. Mayor Sack stressed the importance that everyone know how to do this. Space is limited and preregistration is required. Anyone interested can register by going to [www.westchestergov.com/health](http://www.westchestergov.com/health) or call the Division of Health at (914) 995-6584.

Mayor Sack also announced that on July 9, 2016 there will be a Public Hearing at Crawford Park in Rye Brook on the Last Mile Project of the Thruway near the City of Rye and Port Chester, dealing with improvements to this area. Individual property owners that may be affected have been noticed and will be present at the Hearing if they have questions. The Hearing will be held from 5:00 to 8:30 P.M. There will be a portion of the public hearing dedicated to the eminent domain issues at 6:30 P.M.

Councilwoman Tagger-Epstein announced that there is an IRS scam going around again and warned the community to be aware of potential scam phone calls. Any residents with questions or concerns may contact the Rye Police Department who is aware of the issue. She also stated that Councilman McCartney gave a very moving speech at the recent Memorial Day event.

Councilman McCartney discussed the Memorial Day event. Unfortunately, due to weather, the parade was canceled. However, he stated the Memorial Day event held in City Hall went very well and there were many veterans present. He remembered those lost in combat and recognized that it is important to speak to younger generations about these issues, as they may not be exposed to them otherwise. Councilman McCartney then announced that the Rye Golf Club is up and running and in great shape. He was happy to report that the greens are completely recovered from last year. On the Recreation front, camp signups are still open. Councilman McCartney then announced that on Saturday, June 25, 2016, there will be the first Rye Food Truck Festival at the Rye Rec from 1:00-5:00 P.M. He encouraged everyone to attend. Lastly, he addressed the subject of drug and alcohol

usage, as graduation season is here. He encouraged parents to speak with their children about the dangers that can occur in this season of celebration, as things can get out of hand.

Councilwoman Killian thanked Ms. Debra Davis-Galliard, Rye Middle School science teacher, who created a curriculum with the Billion Oyster Project within the City of Rye. Ms. Davis-Galliard and her students worked with the Recreation Department to implement the program to install an oyster cage at Milton Harbor. Councilwoman Killian hopes that this endeavor will help to bring oysters back in Rye Harbor. She thanked Ms. Davis-Galliard for her work and for the opportunity for students to get involved.

Councilwoman Hurd announced that the Chamber of Commerce Annual Soiree is June 22, 2016 from 6:00 to 8:00 P.M. at American Yacht Club. The Rye Lions Club raffle drawing will also be held June 20, 2016. Lastly, Councilwoman Hurd announced that in June, 2016 the Rye Landmarks Committee will be moving mile marker 25 to a more significant location on Boston Post Road.

5. Draft unapproved minutes of the regular meeting of the City Council held May 25, 2016.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the regular meeting of the City Council held May 25, 2016.

6. Issues Update/Old Business.

Mayor Sack updated the Council on the Purchase Street improvements. He stated that the bids are out right now and a recommendation will be made by staff at the July 13, 2016 City Council meeting. He is hopeful that the bid will be awarded on that date. Mayor Sack recognized that in the downtown area, there is never a good time to do construction, but the plan is to benefit the businesses and residents alike. The plan is to do a bulk of the work in August, 2016, when many residents are away. The Sidewalk Sale will remain July 28-30, 2016 and the construction will commence after that time.

City Engineer Coyne addressed the Council. He stated that the construction will be intrusive and will affect everyone, but the staff has been working on this project for a few years with merchants and residents to put together a responsible construction plan. He confirmed that the work will be done in August and may go into the fall months.

Mayor Sack updated the Council on Rye Town Park. He stated that the Commission has decided as a group to submit an application to be considered for the Capstone Project for NYU. If selected, students would provide a review of the project. This would not change the fact that the City of Rye feels it is in the best position to handle the park on a day to day basis. Mayor Sack also mentioned that there has been some discussion on the Playland sign. He said that he had a conversation with the Deputy County Executive, who stated the sign will be taken down at the end of the season. The City's position is that the County must go through the City's land use processes.

Mayor Sack then updated the Council on the Thruway property and stated that the City has had positive conversations with Rye Country Day School about being a possible partner in purchasing the land. He mentioned that the City has engaged an environmental consultant to move forward to make a determination about feasibility of the land. Assemblyman Steve Otis has also been extremely helpful in facilitating communication between the City and the Thruway Authority. With regard to the City's Master Plan efforts, the Mayor's subcommittee met yesterday to speak with the City Planner, who will draft an RFP who will help us with this process.

Councilwoman Hurd announced that with respect to the Master Plan, Jack Zahringer, Landmarks Committee Chair, hopes the Committee puts emphasis on the historical aspect of Rye. She also announced that the close of public comment will be June 17, 2016 for the proposed development at the United Hospital site. The County Planning Board is considering the project and will provide their comments.

Mayor Sack urged the County Planning Board to issue a negative review on the project so that by state law, the Village of Port Chester would need to adopt the project by super majority.

City Manager Serrano stated that there was a recent public hearing in Port Chester on the redevelopment of the United Hospital site. He mentioned that one change that has been proposed is the creation of one additional turning lane on the exit 11 ramp off of 287. There was some discussion over this change among the Council. Mr. Serrano further mentioned that the engineering company hired by the NYS Dormitory Authority is reviewing the sluice gate. He stated that the City also met with the Dormitory Authority to discuss the Milton Point Drainage Project, as they are in the process of selecting an engineer for the project.

10. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

This item was taken out of order. Mayor Sack stated the Corporation Counsel Wilson has negotiated terms that are mutually beneficial to the applicant and the City. The license fee will be \$1,000/ year. Further, the applicant will make improvements to include a partial turnaround on Davis for the public. Pursuant to this agreement, the applicant will also provide maintenance and plowing on Davis Avenue.

Mr. Leo Napior, attorney for the applicant, stated that his client is agreeable to the terms presented.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to authorize the City Manager to sign the proposed amendment to the existing license agreement for 88 Davis LLC.

7. Presentation and discussion on deer population management.

City Manager Serrano stated that the deer population management consultant, Hank Birdsall, was approved by the Council in 2015 to study and report on the deer population issues throughout the City. Mr. Serrano introduced Mr. Birdsall.

Mr. Birdsall thanked the Council for allowing him to present. He said that the primary objectives of this study were to identify the issue and provide management recommendations with respect to the deer population. The conditions in Rye are inviting to deer, providing food and water to the population. Mr. Birdsall also highlighted that residents' ornamental plants also provide food to the deer. Within seven years, a pair of deer can reproduce and result in 40 deer. The overpopulation of deer prevents forest regeneration, as deer depend on the nutrition provided by a lush environment. Mr. Birdsall then showed slides of the difference between Rye and a healthy forest area. He stated that in Rye this year, there were 17 collisions involving cars with deer. Mr. Birdsall also explained that the biggest instance of motor vehicle incidents occur in November. He also mentioned that the area of Rye between Oakland Beach and the Mamaroneck line of Boston Post Road has the largest population of deer. Mr. Birdsall stated that the conclusion of his study is that there are no less than 159 deer in Rye. He then presented a breakdown of the analysis of each location and the number of deer, discussing a pellet survey analysis.

Mr. Birdsall then explained that there are three different strategies that the City could explore to improve the deer population problem. First, he explained that immunocontraceptives are used by some communities. However, they are a very expensive endeavor and not guaranteed to work. Second, Mr. Birdsall explained that the City can hire sharpshooters, but they are very controversial. Third, he explained that the City may explore the "Host a Hunter" program involved skilled volunteer archers, similar to the Westchester County program. This would be a low-cost option. Mr. Birdsall stated that this program has succeeded at Ward Pound Ridge Reservation. The archers would be required to work more than 150 feet from a house and required to hunt from elevated tree stands. Mr. Birdsall then stated that if this program was adopted, 25% of the venison harvested would be donated to the Westchester Food Bank. Lastly, Mr. Birdsall recommended that regardless of the chosen program, the City should continue to monitor any progress.

Mayor Sack commended Mr. Birdsall on his extremely thorough study and presentation. Mayor Sack then asked about whether Mr. Birdsall was able to study the incidents of lyme disease as it relates to the deer population. Mr. Birdsall responded that with conflicting theories on the topic, he did not provide an analysis as it may be inconclusive.

Councilwoman Tagger-Epstein inquired about the process with the Host a Hunter program with respect to homeowners. Mr. Birdsall responded that any residents interested would contact him directly and he would meet with the owner to scout the property. Following a consultation, Mr. Birdsall would interview and choose only the most skilled archers.

Councilwoman Tagger-Epstein asked Mr. Birdsall when the City should decide to move forward concerning the deer population on City land. Mr. Birdsall responded that any decision by the City should be made by August 1, 2016.

Councilman McCartney asked Mr. Birdsall if the hunters keep the remaining of the 75% of the venison after the first 25% is donated to the Westchester Food Bank. Mr. Birdsall confirmed that this was correct. Councilman McCartney then inquired about the 150 foot hunting setback from a home. Mr. Birdsall responded that this distance was required by State law. Councilman McCartney then asked if there were enough qualified hunters for this project. Mr. Birdsall responded that there were, but that he would be very selective in the process.

Councilwoman Tagger-Epstein recommended that Mr. Birdsall's presentation be aired on Rye TV.

8. Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Corporation Counsel Wilson stated that there was a conference call with Crown Castle prior to the Council meeting on June 8, 2016. The primary subject of the call focused on the needs assessment and coverage analysis provided by Crown Castle to the City. She reported that Crown Castle reviewed the gap analysis with the City and they are prepared to share the gap in coverage areas with the Council and public. The nodes will be place to cover the needs of the end users in structures. Corporation Counsel Wilson explained that the equipment is large enough for possible collocation in the future.

Esme Lombard, Crown Castle, made a statement to the Council. She said that Crown is here this evening seeking an amendment to an existing right-of-way use agreement. Under the existing agreement, Crown is proposing 51 new nodes to improve conditions for the users. The plan was unanimously approved by the BAR at the May 2016 meeting. Ms. Lombard explained that Crown Castle has been issued a Certificate of Convenience and Necessity by the New York State Public Service Commission. She asked that the Council approve the amendment. Ms. Lombard further stated that there had been concern expressed about the number of nodes proposed. This subject was discussed on the conference call mentioned by Corporation Counsel Wilson. Ms. Lombard further explained that each community is very different, with different topography and needs. She recognized the Councilmembers' previous comments on the EMFs and subsequently provided a report to the Council which demonstrated that the nodes were well below the federal limits. Ms. Lombard invited the community to view the City of Rye's proposal at [www.crowncastle.com](http://www.crowncastle.com).

Gregory Sharpe, Crown Castle, stated that this process began in Rye when Verizon issued an RFP for DAS (Distributed Antennae System) technology. As a result, Crown Castle was awarded the project within the community. Mr. Sharpe discussed the process about the need-based design of the nodes within the community.

Eli Elbaum, Counsel for Crown Castle, addressed the Council. He felt it was important for the Council to understand the rationale behind the fact that certain poles were selected rather than others. Mr. Elbaum explained that a pole may not be selected if it has a transformer or risers. This eliminated a number of candidates for DAS location. Mr. Elbaum said that Crown Castle must be selective to include the best possible poles to host these nodes.

Mayor Sack reiterated that the nodes would be used to improve service within the southern area of Rye. He stated there were community concerns on both health concerns and aesthetic concerns.

Mr. Sharpe stated that the health emissions, even at 100% usage, are well below the federal standards. There was discussion among the Council and consultants regarding the data map provided.

Councilwoman Hurd stated that a node is being proposed in front of her house and she does not want the node to be placed there. She asked if the pole could be removed from in front of her home. Ms. Lombard responded that she could not answer the particular question because it was up to Verizon to provide the gap proposal.

Councilwoman Tagger-Epstein commented that she felt that Crown Castle was considering Verizon's needs, rather than the community's needs.

Mr. Elbaum discussed the size of the nodes and stated that a benefit of the larger nodes being proposed would be that they allow for collocation and reduce the need for more nodes in the future.

Councilwoman Hurd asked that Crown Castle present evidence that every single pole proposed complies with the City's zoning code. Councilwoman Hurd then asked that Crown Castle provide an attachment agreement. There was then general discussion about the license agreements. Councilwoman Hurd then asked about the pole material. Crown Castle responded that any poles constructed would be made of standard wood, consistent with the local infrastructure.

Councilwoman Tagger-Epstein stated that a concern in the community is the idea of the aesthetics and the preservation of the community. She said that residents want to make sure that the beauty of Rye is kept intact, and this is a serious concern.

Councilman Mecca stated that the Council should be careful of criticism of the BAR's decision to approve the nodes.

Ms. Lombard stated that with respect to the aesthetics, the existing feedback of the current nodes were that they were not noticed. She said that the design kept aesthetics in mind.

Eileen Iorio, Rye resident, addressed the Council. She stated that her concerns are about safety and asked that she see the safety data. She stated that she doubted that the node proposed in the vicinity of her home would comply with setback requirements. Ms. Iorio then stated that she would like Crown Castle to provide local comparisons within the County as to the number of nodes proposed. She then stated that she would like to see a third party expert retained in this case. She called on Council to consider the safety, health and opinion of the residents.

Ms. Lombard, Crown Castle, responded that the safety information is on the Crown Castle website.

Councilwoman Bucci asked how long the DAS technology was in existence. Crown castle responded that it was in existence for 35 years. Councilwoman Bucci stated that due to the short time that this has been in existence, there is no way to determine the long term effects of the technology.

Councilwoman Bucci asked Mr. Sharpe to clarify whether the proposed plan is for an existing need or a projected need. Mr. Sharpe explained that the network planning that has already started has encompassed the need, both current and future.

Mr. Elbaum, Crown Castle, stated that the nodes presented address a gap in coverage. There was then general discussion concerning the need-based issues in Rye.

Tom Ausfahl, Rye resident, stated that there is a pole proposed very close to his home. Health is a strong concern and felt it is important to consider. He expressed concern for future nodes.

Mr. Elbaum, Crown Castle, clarified that a 12-18 month timeframe would be the genesis of the project, but each node would be used well beyond that timeframe.

Councilwoman Killian inquired as to whether the City had treated each utility the same. Corporation Counsel Wilson responded that the City has not applied the law uniformly, and by denying their application, the City would not be treating Crown Castle the same as other applicants that have come before.

Mayor Sack suggested putting this matter over to the July 13, 2016 meeting.

Alberto Brezzelli, Parkway Drive, addressed the Council. He stated that he wanted to be publicly noticed on proposed nodes. He then stated that the radiation of wireless compared to the radiation emitted from cable is very different. Mr. Brezzelli said that no one knows the long term effects. He also said that there is an attitude throughout the City of "not

on my land,” and there is always going to be pushback. He then expressed concerns over the validity of the safety report provided by Crown Castle.

Councilman Mecca asked Crown Castle’s engineer to explain the concept of a “hot spot.” Mr. Sharpe responded that he is not familiar with how Cablevision is providing hot spots.

Andy Perrone, 52 Franklin Avenue, addressed the Council. He stated that the radiation emitted from WiFi is not as strong. He then asked why such a high number of nodes has been proposed.

Mr. Sharpe responded that he could not adequately respond to the Wifi hotspots comment. He did address the issue of future collocation, and stated that there would be a new FCC compliance report prior to any collocation.

Diana Page, 806 Forest, stated that she was concerned about health issues. She asked if the City would consider bring in a third party consultant to analyze the safety risks and the need-based report.

The public hearing on this issue was put over to July 13, 2016.

9. Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to open the public hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack stated that this was an innovative and exciting proposal to improve conditions at the Fire Department. He felt it would help provide services in the most efficient and effective way. It is important to take a long glance back and thank the volunteers of the Rye Fire Department, who have served the City and saved a tremendous amount of money by volunteering their service. Mayor Sack that that the volunteers will continue to serve and provide impressive service to the City. This City Council is committed to taking action. Mayor Sack thanked Councilman Mecca and Councilwoman Bucci for their efforts. He felt that this will be the most efficient and effective way to handle the department moving forward.

Councilman Mecca stated that currently the City has a Board of Fire Wardens. The City is looking to replace the Board of Wardens with a volunteer board of directors and

chiefs. This would be accomplished by moving the day-to-day operations up to a Commissioner role. Councilman Mecca stated that there was no intention of doing away with the volunteer fire department which is invaluable. He stated that the department is a fraternity that is no longer male-exclusive and is a fabric of the City of Rye. This change will allow proper mechanism of supervision and training for the career staff. Councilman Mecca said that the goal was to also improve the response to emergencies. He then discussed the training that would occur with the paid staff.

Mayor Sack thanked Councilman Mecca for his insight on the training aspects and how important it is to consider appropriate training. He commended the department on looking inward to improve conditions. The proposed changes would require a change to the Rye City Charter, which requires a referendum.

City Manager Serrano commented that it has been a great experience to work toward this goal of implementing a Public Safety Commissioner position in the City. This would create a cohesive relationship for policies and procedures between the Police and Fire Departments, creating a safer environment.

Corporation Counsel Wilson stated that the City's next step to reaching this goal is for the Council to adopt the Charter revision. If adopted, the item would be put on referendum for public vote. It should be done so by the August meeting to meet the Board of Elections deadline.

Mayor Sack stated that the Public Hearing will be kept open until the July 13, 2016 meeting.

11. Presentation of the City of Rye Stormwater Management Program 2015 Annual Report.

City Engineer Ryan Coyne addressed the Council. He stated that the Department of Environmental Conservation (DEC) requires that the City implement a stormwater management program and report progress annually. He stated that the report focuses on six areas: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction and post-construction control and municipal operations. City Engineer Coyne then said that throughout the years, the City has educated residents on stormwater issues. He was happy to report that the City had no illicit discharges reported this year. Construction and post construction are handled by the Building Department, and requires a permit and inspection. Concerning municipal operations, DPW oversees the maintenance throughout the City.

Mayor Sack commended Mr. Coyne on his effort and presentation.

12. Discussion and timeline of items to be included in a November, 2016 Referendum.

There was discussion about increasing the City's debt limit. Each referendum must be approved by the Council for the August 2016 meeting. Mayor Sack asked for a public hearing to be set on increasing the debt limit.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to set a Public Hearing on July 13, 2016 on the issue of increasing the City of Rye debt limit.

13. Authorization for the City Manager to enter into an agreement with the Rye Country Day School regarding reimbursement for costs associated with Phase I, Phase II, Environmental and Geotechnical assessment of the NYS Thruway property.  
Roll Call.

This issue was deferred.

14. Discussion to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

Mayor Sack stated that at the last meeting, this topic was discussed. Sally Wright, Chamber of Commerce, addressed the Council. She stated that she was looking for clarification on the proposed code change regarding outdoor seating. She stated that in 2009, outdoor seating was approved within the central business district. There was then discussion on the requirement that each business wishing to incorporate outdoor seating must apply first to the Planning Commission. This requirement must be followed regardless of whether the seating is proposed on public or private property.

Councilman Mecca stated that he served on the Planning Commission in the 1990s when this proposal first came about. The law was passed, which allowed tables within the B2 district. Each business requesting outdoor seating must apply annually.

Ms. Wright asked for open communication with the Council on any issues that arise. There was general discussion on the topic among the Council.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to hold a Public Hearing to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District on July 13, 2016 on July 13, 2016.

15. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was no discussion under this agenda item.

16. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures.

Councilman McCartney stated that the proposed changes would further streamline the Rye Golf Club Commission voting procedures. This would remove the nominating committee from the process.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adopt the proposed changes regarding voting procedures for the Rye Golf Commission.

**Rye Golf Club  
Nominations, Elections and Voting Eligibility**

**1) Commission**

- a) The Rye Golf Club Commission will consist of seven adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in.
- d) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- e) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below seven members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain seven Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain seven Commission members until the next regular election.
- f) A quorum of the Commission is established by four members present at a meeting.

**2) Election**

- a) Voting will take place over a two-week period online through a secure online service

approved by the Commission that suits our needs.

- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
  - i) Vote is not cast within the specified time period; or
  - ii) Vote is not cast in accordance with specified instructions; or
  - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

### **3) Voting eligibility**

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

## **Rye Golf Club Commission Responsibilities**

### **1) The Commission.**

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
- c) *Responsibilities.* The Commission shall:
- i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
  - ii) Review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
  - iii) select a Commission Chairperson; and
  - iv) Decide such matters as may be properly brought before the Commission for a decision.
- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
  - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
  - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
  - iv) to serve as an ex-officio member on each Committee of the Commission;
  - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson

during the absence of the Chairperson; and

- vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

**2) Committees of the Commission.**

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Committee Members and Chairpersons.*
  - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
  - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.
  - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
  - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
  - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

17. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.

This item was deferred to the July 13, 2016 City Council agenda.

18. Resolution to transfer \$100,000 from the Contingency account to the Legal Department to fund legal services.  
Roll Call.

City Manager Serrano stated that there has been unanticipated bills with Save the Sound litigation and there is a need for further funding. Mayor Sack asked the City staff to prepare a document outlining the litigation cost needs for the Council to review.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the following amended resolution:

**WHEREAS**, City staff has determined that the amounts required for the cost of legal services performed and on-going for various legal cases were not anticipated and were not provided for in the adopted 2016 budget, and;

**WHEREAS**, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the City Legal Services Account.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

19. Bid Award for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).  
Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby awards the bid for the 2016 Rye Recreation Summer Camp Bus Services (Contract 2016-04) to County Coach Corp. in the amount of fifty four thousand seven hundred fifty six dollars (\$54,756.00), as it was the sole bidder meeting specifications.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

20. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

21. New Business.

Councilwoman Tagger-Epstein asked that the Council meet with the Rye Neck School District and recognize the achievements of their students to include them in the Rye City pride and future recognition.

22. Adjournment.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the public meeting at 10:56 P.M.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk